UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1994/SR.29
23 November 1994

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eleventh session

SUMMARY RECORD (PARTIAL)* OF THE 29th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 21 November 1994, at 10 a.m.

Chairperson: Mr. ALSTON

CONTENTS

Opening of the session

Adoption of the agenda

Organization of work

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-70092 (E)

The meeting was called to order at 10.55 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the eleventh session of the Committee on Economic, Social and Cultural Rights and welcomed the members of the Committee.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/1994/10)

2. The CHAIRPERSON said that if there were no objections, he would take it that the Committee wished to adopt the provisional agenda (E/C.12/1994/10).

3. It was so decided.

ORGANIZATION OF WORK (agenda item 2)

4. Mrs. KLEIN-BIDMON (Centre for Human Rights), reporting on efforts to establish the whereabouts of Mr. Muterahejuru, member of the Committee from Rwanda, recalled that the Chairperson and the High Commissioner for Human Rights had both attempted to locate him after he had failed to appear at the tenth session in May 1994. In September, an undated letter had been received from Mr. Muterahejuru, which had been conveyed by courier, stating that he was well, that he had been in Kigali when the conflict had erupted, that he had been wounded but had recovered and that he had moved to the security zone in Gikongoro. Unfortunately, the return address on the letter had merely said "care of UNICEF, Gikongoro". A letter had been sent by courier to Mr. Muterahejuru, but it was not known whether he had received it. In his letter, Mr. Muterahejuru had expressed an eagerness to hear how the Committee's work had progressed and how the Economic and Social Council had reacted. A letter had been sent inviting Mr. Muterahejuru to attend the current session, but given the current situation in Rwanda, neither UNICEF nor the Centre for Human Rights Field Office had been able to establish contact with him. A further attempt would be made during the current session.

5. The CHAIRPERSON, giving an account of developments since the last session, noted that although economic, social and cultural rights were being discussed more fully and responsibly at international level, the expected results had yet to be achieved. The statement sent by the Committee to the Preparatory Committee for the Copenhagen World Summit for Social Development had received close attention in New York and elsewhere, and the Committee's view that the Summit must take the International Covenant on Economic, Social and Cultural Rights into account and should give the Committee a role in follow-up work had been extensively considered. However, the draft document remained disappointing. Governments continued to be reluctant to acknowledge the importance of economic, social and cultural rights in any context not linked directly and totally to the human rights framework. Even social development, which was intrinsically bound up with the rights of concern to the Committee, was regarded by Governments as having no relevance to human rights issues.

6. The Committee, the sole focal point in the United Nations system for discussions on economic, social and cultural rights, must see itself as a pressure group for ensuring that those rights received due attention elsewhere. For example, if the Committee did not address the Beijing World Conference on Women, he was convinced that the Covenant would go entirely unmentioned. In that context, the Committee must express its dissatisfaction with the approach taken in the documents relating to the Copenhagen Summit; it was also regrettable that non-governmental organizations (NGOs) active on women's rights issues continued to disregard questions of economic, social and cultural rights for women. The Committee must remind Governments and non-governmental organizations alike that economic, social and cultural rights were part and parcel of human rights and as such could not be ignored.

7. The current session might well prove to be the most important one to date. The Committee had the opportunity to complete the adoption of two draft general comments, one on the rights of persons with disabilities and the other on the elderly and ageing. It would also consider proposals for an optional protocol that made provision for receiving complaints relating to economic, social and cultural rights. The Committee would have before it a comprehensive draft that would serve as a basis for further discussion, and it would initiate a dialogue with the Commission on Human Rights, which the latter had itself requested, and with Governments.

8. The Committee would take up human rights education, a topic that had been neglected in the past. UNESCO, in particular, had not lived up to its responsibilities in promoting work in that area; the Committee must urge UNESCO to pay further attention to that issue.

9. The Committee would be looking at the role of the advisory services provided to Governments by the Centre for Human Rights and other United Nations bodies. The importance of those services had grown in recent years. But despite formal recognition for economic, social and cultural rights, the vast majority of the activities in advisory services had been devoted to civil and political rights. Governments, for their part, had always been ambivalent about economic, social and cultural rights, not wanting to strengthen the hand of their citizens by recognizing, as they should, the right to education, health care, food and employment.

10. Turning to a number of specific matters, he said that the request made in July by the Republic of Korea for a postponement of its report scheduled for the current meeting had been granted for one session.

11. The Committee had received additional written information since its previous session from the Governments of Nicaragua, Iraq and the Philippines in response to matters touched upon previously.

12. Given the large number of representatives of non-governmental organizations who wished to speak, the Committee would move forward to the current meeting its hearing of NGO submissions. In that connection, he noted that in order to ensure a constructive exchange with Governments, it had been decided that statements by NGOs would take place separately from the dialogue with the representatives of Governments and that the statements would not be recorded in the summary records. The Committee intended to remain open to all

NGOs concerned, but freedom of speech was subject to abuse, and if, for example, an NGO were to accuse a Government of criminal acts, it might well prejudice the Committee's dialogue with that Government. NGOs were therefore encouraged to make submissions in writing, which would be circulated in due course. The Committee would decide whether to bring the concerns raised by the NGOs to the attention of Governments.

13. Mr. ALVAREZ VITA, pointing out that the Committee had always considered the contribution of NGOs to be of the greatest importance, said that he was puzzled that there should be no summary records on their statements. He did not support such censorship. NGOs were capable of determining what they could and could not say.

14. The CHAIRPERSON drew the previous speaker's attention to the report on the eighth and ninth sessions of the Committee (E/1994/23; E/C.12/1993/19), which had recorded the pre-sessional working group's decision to allow oral information from NGOs but not to cover the relevant meeting by summary records (para. 29).

15. Mr. TEXIER said that he was not in favour of changing that decision, but he suggested conveying the written statements of NGOs to the representatives of Governments so that they would know what questions they must answer.

16. The CHAIRPERSON recalled that the Committee was meeting in open session and that the documents submitted were therefore available to the Governments concerned. He was, however, prepared to ask the secretariat to provide the representatives of Governments with the NGO statements received. He said that the remainder of the meeting would be devoted to hearing statements by NGOs.

The discussion covered in the summary record ended at 11.40 a.m.